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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,158	12/15/2003	Thomas A. Goebel	910.1006000	4423
35236	7590	06/28/2005	EXAMINER	
THE CULBERTSON GROUP, P.C. 1114 LOST CREEK BLVD. SUITE 420 AUSTIN, TX 78746			CHEN, SOPHIA S	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EJC

Office Action Summary

Application No.

10/736,158

Applicant(s)

GOEBEL, THOMAS A.

Examiner

Sophia S. Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 11-13 and 15-18 is/are rejected.
- 7) ☒ Claim(s) 6-10, 14, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objection

1. Claims 8, 19, and 20 are objected to because of the following informalities:
 - a. Claim 8, line 1, "the strip of contour-conforming material" should be "a strip of contour-conforming material" because it is the first time to use this terminology.
 - b. Claim 19, line 2, "protractor" should be "protector".
 - c. Claim 20, line 4, "protractor" should be "protector".Appropriate correction is required.

Claim Rejections – 35 U.S.C. §102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Yashiro (US Pat. No. 5,266,999).

The patent discloses a drum protector 20 for a printer cartridge 3, the cartridge 3 having an elongated drum 4 with a drum critical imaging area 4a extending along a substantial portion of the length of the drum 4, the drum 4 also having relatively short end sections 4b at both ends thereof (column 4, lines 42-47 and Figure 5A), the protector 20 including: an elongated protector member 20 having a length greater than the drum critical imaging area 4a, the elongated protector member 20 adapted to be

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positioned in a protecting position over the drum 4 (Figures 5A and 7A); a central raised section extending longitudinally on the elongated protector member 20, the raised section having a length sufficient to cover the drum critical imaging area 4a and a height sufficient to provide a clearance above the drum critical imaging area 4a when the protector 20 is in the protecting position (Figures 5A, 5B, and 7A); at least two end spacers 20c extending from the inner surface 20e of the raised section at a location such that they are outside of drum critical imaging area 4a when the protector 20 is in the protecting position (column 4, lines 35-47 and Figures 5A and 5B); each of the at least two end spacers 20c rests on a respective one of the short end section 4b when the protector 20 is in the protecting position (Figure 5B); each of the at least two end spacers 20c has a respective arched portion 20d at its distal end, the arched portion 20d being oriented transverse to the longitudinal axis of the protector member 20, each arched portion 20d having an arch diameter substantially the same as the drum diameter (column 4, lines 51-57 and Figure 5A); the raised section defines a transverse arch having an arch diameter necessary to prevent the protector 20 from contracting the drum critical imaging area 4a when the protector is in the protecting position (Figures 5A and 5B); and a securing element 40 for holding the protector 20 in the protecting position (column 6, lines 24-31 and Figure 7A).

The patent further discloses the elongated protector member 20 is formed from an essentially rigid material, the material having sufficient strength to maintain the clearance between the elongated protector member 20 and the drum 4 when the protector 20 is in the protecting position (column 5, lines 54-56 and Figures 5B and 7B).

4. Claims 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Yashiro.

The patent discloses a method of protecting a printer cartridge drum 4, the drum 4 having a drum critical imaging area 4a extending along a substantial portion of the length thereof and further having relatively short end sections 4b at both ends thereof, the method including the steps: positioning a protector 20 over the drum 4 in a manner such that the protector 20 rests on the short end sections 4b (Figures 5A and 5B), and securing the protector 20 over the drum 4 with one or more securing elements 40 (column 6, lines 24-31 and Figure 7A).

The patent further discloses the step of stabilizing the protector 20 in a direction transverse to the longitudinal axis of the drum 4 (Figure 7A); and the drum 4 is surrounded by a toner bin 3a having a toner bin opening formed in the top thereof through which the drum 4 is exposed, the method further including the step of substantially conforming bottom edges of the protector 20 to peripheral surfaces of the toner bin opening (Figures 7A, 7B, and 8A).

Allowable Subject Matter

5. Claims 6-10, 14, 19, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Other Prior Art

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nomura et al. (US Pat. No. 4,470,689) discloses a printer cartridge comprising a drum and a drum protector.

Kurtz et al. (US Pat. No. 4,655,578) discloses a printer cartridge comprising a drum and a drum protector.

Nakai et al. (US Pat. No. 5,231,453) discloses a printer cartridge comprising a drum, a drum protector contacting both ends of the drum; and a securing element for holding the protector in a protecting position.

Harlan (US Pat. No. 5,307,117) discloses a printer cartridge comprising a drum, a drum protector, and at least one ridge being oriented transverse to the longitudinal axis of the protector.

Dycher (US Pat. No. 6,091,916) discloses a printer cartridge comprising a drum and a drum protector.

Harada et al. (US Pat. Pub. No. US 2004/0126134 A1) discloses a printer cartridge comprising a drum, a drum protector having a central raised section, and at least two spacers extending from the inner surface of the raised section.

Yoshiyuki et al. (US Pat. Pub. No. US 2004/0190936 A1) discloses a printer cartridge comprising a drum and a drum protector.

Nomura et al. (JP 60-063550 A) discloses a printer cartridge comprising a drum and a drum protector.

Ando (JP 04-066961 A) discloses a printer cartridge comprising a drum, a drum protector contacting both ends of the drum, and a securing element for holding the protector in a protecting position.

Yashiro (JP 05-080600 A) discloses a printer cartridge comprising a drum, a drum protector having a central raised section, and at least two spacers extending from the inner surface of the raised section.

Maejima et al. (JP 06-035247 A) discloses a printer cartridge comprising a drum, a drum protector, and a securing element.

Tanaka et al. (JP 10-133513 A) discloses a printer cartridge comprising a drum, a drum protector having a central raised section, and at least two spacers extending from the inner surface of the raised section.

Tani et al. (JP 2001-282079 A) discloses a printer cartridge comprising a drum, a drum protector, and a securing element.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sophia S. Chen whose telephone number is (571) 272-2133. The examiner can normally be reached on M-F (7:00-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sophia S. Chen
Primary Examiner
Art Unit 2852

Ssc
June 24, 2005